

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA :
v. :
JEFFERY FINLEY, :
Defendant. :

STATEMENT OF OFFENSE

Pursuant to Federal Rule of Criminal Procedure 11, the United States of America, by and through its attorney, the Acting United States Attorney for the District of Columbia, and the defendant, Jeffery Finley, with the concurrence of his attorney, agree and stipulate to the below factual basis for the defendant's guilty plea—that is, if this case were to proceed to trial, the parties stipulate that the United States could prove the below facts beyond a reasonable doubt. It does not represent all relevant facts known to defendant Finley or the government.

THE ATTACK ON THE U.S. CAPITOL ON JANUARY 6, 2021

1. The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification are allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

2. On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in the United States Capitol to certify the vote count of the Electoral College

of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

3. As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

4. At approximately 2:00 p.m., certain individuals in the crowd forced their way through, up, and over the barricades, and officers of the U.S. Capitol Police, and the crowd advanced to the exterior façade of the building. The crowd was not lawfully authorized to enter or remain in the building and, prior to entering the building, no members of the crowd submitted to security screenings or weapons checks by U.S. Capitol Police Officers or other authorized security officials.

5. At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, shortly after 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of law enforcement, as others in the crowd encouraged and assisted those acts. The riot resulted in substantial damage to the U.S. Capitol, requiring the expenditure of more than \$1.4 million dollars for repairs.

6. Shortly thereafter, at approximately 2:20 p.m., members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Pence, were instructed to—and did—evacuate the chambers. Accordingly, all proceedings of the United States Congress, including the joint session, were effectively suspended until shortly after 8:00 p.m. the same day. In light of the dangerous circumstances caused by the unlawful entry to the U.S. Capitol, including the danger posed by individuals who had entered the U.S. Capitol without any security screening or weapons check, Congressional proceedings could not resume until after every unauthorized occupant had left the U.S. Capitol, and the building had been confirmed secured. The proceedings resumed at approximately 8:00 p.m. after the building had been secured. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the session resumed.

FINLEY'S ACTIONS ON JANUARY 6

7. As of January 6, 2021, Jeffery Finley was the president of a West Virginia chapter of the Proud Boys.¹ Each chapter is autonomous, and as president of his chapter, Finley was the highest ranking for his men.

8. On January 5, 2021, at approximately 1:33 p.m., Finley joined an encrypted messaging group titled “Boots on Ground.” Finley understood that the Boots on Ground message group included only those Proud Boys members who were planning to attend the event in Washington, D.C. on January 6, 2021.

¹ The Proud Boys describes itself as a “pro-Western fraternal organization for men who refuse to apologize for creating the modern world; aka Western Chauvinists.”

9. On the morning of January 6, 2021, Finley met up at the Washington Monument with members of the Proud Boys from his chapter and from other chapters from across the country, as instructed by Proud Boys leadership in the Boots on Ground message group. As instructed by leadership, neither Finley nor any members of his chapter from West Virginia wore the Proud Boys colors of black and yellow.

10. Finley then followed the Proud Boys leadership in departing from the Washington Monument and marching on the National Mall towards the U.S. Capitol. Finley recognized a Proud Boys leader named Ethan Nordean, who he knew as “Rufio,” as the person who was leading the march.

11. Over the course of more than two hours, Finley marched with the group to the east side of the Capitol and then back to the west side of the Capitol. On more than one occasion during the march, Finley saw Nordean break off from the group to talk to a small group of other Proud Boys leaders, including Joe Biggs, Zachary Rehl (who Finley knew as “Captain Trump”), and Charles Donohoe (who Finley knew as “Yut”).

12. Nordean and Biggs directed the group to the Peace Circle near the Capitol grounds. Upon arriving at the Peace Circle, it was clear to Finley that the U.S. Capitol Police had barricaded the area and restricted access to it. Immediately after arriving at the pedestrian entrance, Finley saw Joe Biggs begin to lead the crowd—which included numerous members of the Proud Boys who had marched to that location—in chants, including the call and response, “Whose house? Our house!” and “Whose Capitol? Our Capitol!”

13. Finley saw an individual walk up to one of the barricades near the pedestrian entrance and tear down barricades. The crowd, including some Proud Boys who Finley had

marched with, then rushed forward past the barricades and on to Capitol grounds. To Finley, there appeared to be a coordinated effort to pull the barricades apart.

14. Finley looked to Nordean as the recognized leader of the group that had marched to the Capitol. Finley then saw Nordean advance onto Capitol grounds with other Proud Boys. Finley followed him and other Proud Boys onto Capitol grounds.

15. Dozens of Proud Boys rushed up the pedestrian walkway that runs from the Peace Circle towards the U.S. Capitol. As he advanced toward the Capitol, Finley saw some members of the crowd, including some Proud Boys that had marched to the Capitol with Nordean, take action to move aside additional barricades erected by the Capitol Police.

16. Finley moved with the crowd into the plaza to the west of the Capitol building. Finley recognized that he was among many of the Proud Boys who had marched to the Capitol. Finley remained in the plaza while officers attempted to disperse the crowd, and Finley understood that he was not permitted to be in the plaza. While in the plaza, Finley attempted to remain close to those individuals he recognized as Proud Boys that had traveled to the Capitol with Nordean.

17. The crowd eventually overran law enforcement and made its way closer to the Capitol building by ascending stairs that led from the plaza to the upper west terrace of the Capitol. Finley followed the crowd up the stairs. Once on the upper west terrace of the Capitol, Finley attempted to regroup with other Proud Boys members. Finley saw Zach Rehl and other members from Zach Rehl's chapter in Philadelphia.

18. While standing on the upper west terrace of the Capitol, Finley exchanged at least one message with a member of his chapter in which Finley advised the member to join him at the Capitol. Separately, while standing on the upper terrace of the Capitol at 2:24 p.m., Finley posted the message, "On capital" in the Boots on Ground message group.

19. While standing with Zach Rehl, Finley heard Rehl and others from his chapter discussing what was going on inside the Capitol. Zach Rehl then asked the group, including Finley, whether they wanted to go inside the Capitol.

20. Finley entered the Capitol through the Senate Wing Door at approximately 2:55 p.m. Finley followed Rehl and some members of Rehl's chapter into the Capitol building. While doing so, Finley understood that law enforcement did not want people to go inside the Capitol.

21. Once inside the Capitol, Finley became separated from the group and walked down a hallway. Finley saw Rehl and members of Rehl's chapter inside an office. Finley took a selfie near the threshold of the door to the office.

22. Finley left the Capitol building and subsequently left Capitol grounds.

23. After leaving Capitol grounds, Finley posted a video message on the Boots on Ground encrypted messaging channel at 5:03 p.m. in which he stated, among other things, "I just got out myself, dude, I was in there, you know, fucking taking pictures with the boys. Yo, Captain Trump,² proud of your fucking boy." Finley went on to advise those in the message channel about the security at the Capitol. Specifically, Finley told those in the Boots on Ground channel, "We literally can't get back in. Fucking crazy, crazy, crazy lockdown. If you guys come out, you're not getting back in. That's 100%"

24. Following the events at the Capitol on January 6, 2021, Finley took measures to obstruct the government's investigation into criminal conduct at the Capitol. Among other things, Finley deleted his social media accounts and deleted photos and videos of himself and other Proud Boys at the Capitol. Finley also directed members of his chapter to delete their photographs and

² Finley's message to "Captain Trump" was directed at Zach Rehl.

advised the presidents of other Proud Boys chapters of his actions, writing in an encrypted message, “Deleted all photos I may have had, advised my boys to as well. No talks about dc on telegram whatsoever and gathering #s as we speak”.

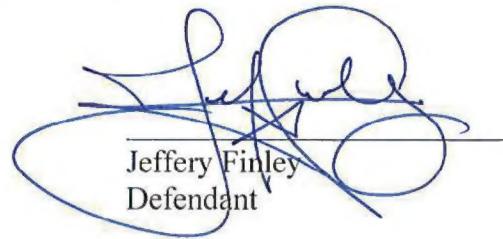
LIMITED NATURE OF FACTUAL BASIS

25. This proffer of evidence is not intended to constitute a complete statement of all facts known by Finley or the government. Rather, it is a limited statement of facts intended to provide the necessary factual predicate for Finley’s guilty plea.

DEFENDANT'S ACKNOWLEDGMENT

The preceding statement is a summary made for the purpose of providing the Court with a factual basis for my guilty plea to the charges against me. I make this statement knowingly and voluntarily, and I stipulate and agree that this Statement of Offense concerning my actions is true and accurate. I have read every page of this Statement of Offense and have discussed it with my attorney, Aaron Moss. I am fully satisfied with the legal services provided to me in connection with this plea. No threats have been made to me nor am I under the influence of anything that could impede my ability to understand this Statement of Offense fully.

Date: March 8, 2022

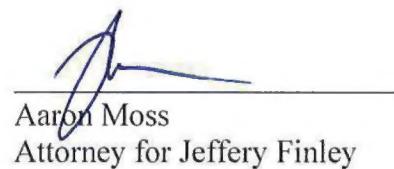


Jeffery Finley
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read this Statement of Offense and have reviewed it fully with my client, Jeffrey Finley. I concur in my client's desire to adopt and stipulate to this Statement of Offense as true and accurate.

Date: MARCH 8, 2022



Aaron Moss
Attorney for Jeffery Finley